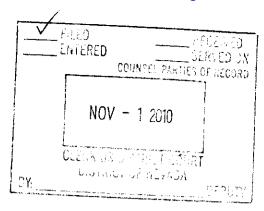
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## UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

WILLIAM LEONARD,	)
Plaintiff,	) 3: 09-cv-00644-LRH-RAM
vs.	ORDER
E. K. McDANIEL, et al.,	
Defendants.	) /

Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections, originally filed this civil rights complaint pursuant to 42 U.S.C. § 1983 in the Seventh Judicial District Court for the District of Nevada. Defendants removed the action to this court on November 2, 2009. (Docket #1.)

Plaintiff sues defendants E.K. McDaniel, Howard Skolnik, Robert Bannister, and Gregory Martin for violations of his constitutional rights. Specifically, plaintiff alleges that defendants have systematically failed to treat his serious medical needs, thereby causing significant and unnecessary and wanton infliction of pain. He claims that defendants have done this by discontinuing a "no kneel" order and forcing him to kneel and stand with debilitating injuries while in restraints. Plaintiff contends that defendants have thereby violated his rights under the Eighth and Fourteenth

Amendments to the United States Constitution. Plaintiff seeks declaratory and injunctive relief, as well as monetary damages.

On August 27, 2010, this court entered a screening order in this case in which it dismissed plaintiff's Fourteenth Amendment claims for failure to state a claim upon which relief can be granted and denied plaintiff's motion for intervention in *Riker v. Gibbons*, 3:08-cv-00115-LRH-VPC. The court also granted defendants' motion for bifurcation of plaintiff's claims for injunctive relief and the claims for monetary damages and a stay of this action pending resolution of the *Riker* case. The court entered judgment in *Riker* on October 28, 2010.

## IT IS THEREFORE ORDERED as follows:

- 1. The Clerk shall electronically serve a copy of this order, including the attached Notice of Intent to Proceed with Mediation form, on the Office of the Attorney General of the State of Nevada, to the attention of Pamela Sharp.
- 2. The Attorney General's Office shall advise the Court within **twenty-one (21) days** of the date of entry of this order whether it can accept service of process for the named defendants. As to any of the named defendants for which the Attorney General's Office cannot accept service, the Office shall file, *under seal*, the last known address(es) of those defendant(s).
- 3. If service cannot be accepted for any of the named defendant(s), plaintiff shall file a motion identifying the unserved defendant(s), requesting issuance of a summons, and specifying a full name and address for said defendant(s). Plaintiff is reminded that, pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, service must be accomplished within one hundred twenty (120) days of the date the complaint was filed.
- 4. If the Attorney General accepts service of process for any named defendant(s), such defendant(s) shall file and serve an answer or other response to the complaint within **thirty (30) days** following the date of the early inmate mediation. If the court declines to mediate this case, an answer or other response shall be due within **thirty (30) days** following the order declining mediation.

The parties SHALL DETACH, COMPLETE, AND FILE the attached Notice of 5. Intent to Proceed with Mediation form on or before thirty (30) days from the date of entry of this order.

IT IS FURTHER ORDERED that henceforth, Plaintiff shall serve upon defendants or, if an appearance has been entered by counsel, upon their attorney(s), a copy of every pleading, motion or other document submitted for consideration by the court. Plaintiff shall include with the original paper submitted for filing a certificate stating the date that a true and correct copy of the document was mailed to the defendants or counsel for defendants. If counsel has entered a notice of appearance, the plaintiff shall direct service to the individual attorney named in the notice of appearance, at the address stated therein. The Court may disregard any paper received by a district judge or magistrate judge which has not been filed with the Clerk, and any paper received by a district judge, magistrate judge or the Clerk which fails to include a certificate showing proper service.

DATED: November 1, 2010.

STATES MAGISTRATE JUDGE

## Case 3:09-cv-00644-LRH-WGC Document 12 Filed 11/01/10 Page 4 of 5 1 Name 2 Prison Number (if applicable) 3 Address 4 5 UNITED STATES DISTRICT COURT 6 DISTRICT OF NEVADA 7 8 Case No. 9 Plaintiff, NOTICE OF INTENT TO 10 v. PROCEED WITH MEDIATION 11 12 Defendants. 13 This case may be referred to the District of Nevada's early inmate mediation program. The 14 purpose of this notice is to assess the suitability of this case for mediation. Mediation is a process by which the parties meet with an impartial court-appointed mediator in an effort to bring about an 15 expedient resolution that is satisfactory to all parties. 16 Do you wish to proceed to early mediation in this case? Yes No 17 1. If no, please state the reason(s) you do not wish to proceed with mediation? 18 2. 19 20 21 List any and all cases, including the case number, that plaintiff has filed in federal or state 22 3. court in the last five years and the nature of each case. (Attach additional pages if needed). 23 24 25 26 List any and all cases, including the case number, that are currently pending or any pending 4.

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1		grievances concerning issues or claims rais	ed in this case. (Attach additional pages if
2		needed).	
3			
4			
5			
6 7	5.	Are there any other comments you would lead is suitable for mediation. You may include is suitable for mediation. (Attach additional)	ike to express to the court about whether this case a brief statement as to why you believe this case al pages if needed).
8			
9			
10			
11			
12	This form shall be filed with the Clerk of the Court on or before twenty (20) days from the date of entry of this order.		
13			
14	Counsel for defendants: By signing this form you are certifying to the court that you have consulted with a representative of the Nevada Department of Corrections concerning participation in mediation.		
15			
16		Dated this day of	, 2010.
17			
18			Signature
19			
20			Name of person who prepared or
21	the Co	helped prepare this document a right secured by	
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